

*State of Nevada*

# **INDEPENDENT CANDIDATE GUIDE**



**2004**

*Provided by*

**Dean Heller  
Secretary of State**

# STATE OF NEVADA INDEPENDENT CANDIDATE GUIDE

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# INDEPENDENT CANDIDATE GUIDE

## PREFACE

The State of Nevada allows those who wish to run for a partisan office as a candidate with no political affiliation to run as an independent candidate. An independent candidate is one “who has been nominated for a partisan office but who is registered with no political affiliation...”(Nevada Revised Statute (NRS) 293.063). The independent candidate may qualify to appear on the General Election ballot by completing a petition process in addition to complying with other candidate filing requirements.

A person may not file as an independent candidate if he/she is proposing to run as a candidate of a political party. An independent candidate may run for a nonpartisan office without using the petition process.

**It is important to note that this guide is for general information only and does not have the force and effect of Nevada law, regulation, or rule.** Interested citizens should obtain the most recent version of NRS, as Nevada’s Election Laws are amended each legislative session.

## QUALIFICATIONS FOR INDEPENDENT CANDIDATES

Independent candidates, running for partisan office, must qualify to appear on the General Election ballot. To qualify for *any office other than presidential*, a person must first qualify through the petition process discussed below and then file a Declaration of Candidacy. **Presidential independent candidates** need to refer to NRS 298.109 (found in appendix) as well as the petition requirements provided herein. (NRS 293.200, 298.109)

# INDEPENDENT CANDIDATE GUIDE

## THE PETITION OF CANDIDACY

### Signatures Required

There are two ways in which an independent candidate can qualify to be placed on the ballot for the 2004 General Election. Both involve the circulating of a petition as follows:

1. Submitting a petition to the filing officer containing a number of valid signatures equal to at least 1% of the total number of ballots cast at the last General Election for the office for which the candidate seeks election. The filing officer will determine the number of signatures needed for the petition (NRS 293.200(1)(b)(1)); **or**
2. Submitting a petition to the filing officer containing 250 valid signatures of registered voters if the candidate is a candidate for statewide office, or containing 100 valid signatures of registered voters if the candidate is a candidate for any office other than a statewide office. (NRS 293.200(1)(b)(2))

The candidate must file a copy of the petition with the appropriate filing officer prior to circulating the document for signatures not earlier than **January 2, 2004**, and not later than **April 9, 2004** (NRS 293.200 (1)(a)). After the petition is circulated for signatures, it must be submitted to the County Clerk/Registrar of Voters of the county or counties where it was circulated for signature verification not later than **April 9, 2004**. (NRS 293.200 (2)). Within 4 days after submission, excluding Saturdays, Sundays and holidays the County Clerk/Registrar shall determine the total number of signatures and forward that information to the Secretary of State. (NRS 293.1276 (1))

### Who Signs the Petition

Only registered voters of the county in which the petition is circulated may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the petition. (NRS 293.200(2))

**NOTE:** Any registered voter within the appropriate district may sign the petition. The registered voter who signs the petition may be affiliated with **any** political party and will not lose that party standing or the right to vote in the 2004 Primary or General Election by signing the petition.

## INDEPENDENT CANDIDATE GUIDE

### Petition Format

- ▶ The petition may consist of more than one document. (NRS 293.200(2))
- ▶ Each document of the petition may consist of one or more pages and must be bound together. (NRS 293.12758(5); NAC 293.182(3)(b))
- ▶ Each document must bear the name of a county, and only registered voters of that county may sign the document. (NRS 293.200(2))
- ▶ The petition MAY state the principle, if any, which the candidate represents. (NRS 293.200(3))
- ▶ The petition may NOT contain the name of more than one candidate for each office to be filled. (NRS 293.200(5))
- ▶ Each document must contain sequentially numbered spaces for the printed name of each person who signs the document, the signature of the person signing, the resident address of the person signing, the name of the county where the person who signs is registered to vote and the date of the signature. (NRS 293.200(2); NAC 293.182(2)(a))
- ▶ Each document must contain an affidavit of the person who circulated the document. The affidavit must be on the last page of each document and be signed before a person authorized by law to administer oaths in the State of Nevada (a notary public). (NRS 293.200(2); NAC 293.182(2 & 3(c))
- ▶ The circulator is **not** required to be a registered voter in Nevada. (Attorney General Opinion #99-37, dated 12/01/99)
- ▶ Each signature on the petition must be in ink. The County Clerk/Registrar will disregard any signature that is not signed in ink. (NRS 293.12758(4))
- ▶ Each page of the document must be sequentially numbered. The County Clerk/Registrar cannot accept a petition unless each page, including blank pages of the petition are numbered. (NRS 293.12758(3))

**NOTE:**        **Sample petition is provided in the appendix.**

**THE SECRETARY OF STATE DOES NOT APPROVE THE LEGALITY OF  
THE PETITION LANGUAGE OR THE PETITION FORM**

# INDEPENDENT CANDIDATE GUIDE

## Verification Process

1. All documents must be submitted to the appropriate County Clerk/Registrar at the same time. The County Clerk/Registrar shall issue the person submitting the petition a receipt stating the number of documents submitted, the number of pages of each document, and the number of signatures which the person declares are on the petition. The County Clerk/Registrar counts the **total** number of signatures on the petition and forwards that number to the Secretary of State. This is the “**raw count**.” (NRS 293.1276(1); 293.12758)

**Time frame:** The County Clerk/Registrar must complete the **raw count** within 4 days of receipt of the petition (excluding Saturdays, Sundays, holidays and the day the petition is received). (NRS 293.1276(1))

2. Based on the **raw count** information received from the County Clerk/Registrar the Secretary of State determines whether the number of signatures is 100% of the number needed. If the **raw count** indicates that the petition contains less than 100% of the signatures needed, the Secretary of State notifies the person who submitted the petition and the County Clerk/Registrar that no further action will be taken on the petition. If the **raw count** indicates that the petition contains more than 100% of the signatures needed, the Secretary of State notifies the County Clerk/Registrar. (NRS 293.1276(2); NRS 293.1277(1))

**Time frame:** Immediately after the Secretary of State receives the **raw count** from all counties in which the petition was circulated. (NRS 293.1277(1))

3. If the Secretary of State notifies the County Clerk/Registrar that the petition contains the number of signatures needed for it to be sufficient, the County Clerk/Registrar begins actually examining the signatures. The clerk will verify either 500 of the signatures or randomly sample 5% of the total signatures submitted (whichever is greater). The Secretary of State is notified of the result by the filing of a Certificate of Results of the signature verification. (NRS 293.1277(2 & 4))

**Time frame:** Signature verification must be completed within 9 days (excluding Saturdays, Sundays, holidays and the day the Secretary of State’s notification is received) after the County Clerk/Registrar receives notification from the Secretary of State to begin signature verification. (NRS 293.1277(1))

# INDEPENDENT CANDIDATE GUIDE

## DETERMINATION OF SUFFICIENCY

**The Secretary of State determines whether or not the petition is sufficient based on the County clerks/Registrars' certified results of the signature verification.**

1. If the Secretary of State finds that the number of valid signatures is **less than 100%** of the number of registered voters required to declare the petition sufficient (or less than 90% if the verification was conducted pursuant to a random sampling):

**Result:** The petition **fails to qualify**, and the Secretary of State shall immediately notify the petitioners and the County Clerks/Registrars. No further action is taken. (NRS 293.1278(1))

2. If the Secretary of State finds that the number of valid signatures, not including those who requested their signature to be removed before verification is equal to or greater than 100% of the number of registered voters required to declare the petition sufficient:

**Result:** The petition is **deemed qualified** as of the date the Secretary of State receives the final certificates of results. The Secretary of State immediately notifies the County Clerks/Registrars and the petitioners. The name of the independent candidate must be placed on the general election ballot and the independent candidate must file the appropriate filing fee and declaration with filing officer during prescribed period. (NRS 293.1278(2); 293.200.

3. If the signature verification was conducted pursuant to a **random sampling** of the greater of 500 signatures or 5% of the total contained on the petition, and the Secretary of State finds the number of valid signatures, not including those who requested their signature to be removed before verification, is **90% or greater, but less than 100%** of the required number of registered voters needed to declare the petition sufficient:

**Result:** The Secretary of State directs the County Clerks/Registrars to **reexamine the signatures** for verification. The County Clerks/Registrars will reexamine the signatures for verification until the **earlier of**: (a) Determining that the **number of valid signatures is 100%** of the number needed to declare the petition sufficient; or (b) Examining **all the signatures** on the petition. If the candidate petition is for a statewide or multi-county office and the number of valid signatures in a particular county falls below a certain threshold, the Secretary of State may require the Clerk/Registrar of that County to examine every signature.

The County Clerks/Registrars must complete this process **within 12 working days** after receiving the order of the Secretary of State.

After completing the reexamination of signatures for verification, the County Clerks/Registrars will forward an **amended certificate of results** to the Secretary of State. NRS 293.1279; 293.1278(2).

# INDEPENDENT CANDIDATE GUIDE

## FILING AN APPEAL

If an independent candidate petition fails for lack of signatures, the person who submitted the petition may challenge the signature verification by filing an appeal with the Secretary of State. The appeal must:

- a. Be filed within 5 working days after receipt of the Secretary of State's notification of the determination of sufficiency;
- b. Include the reasons for the appeal; and
- c. Include a statement of the number of signatures, if any, that the County Clerk/Registrar determined were invalid.

If the appeal is based on the results of the signature verification, the Secretary of State shall:

- a. If the Secretary of State agrees with the person who filed the appeal, order the County Clerk/Registrar to re-certify the petition to include all contested signatures, which the Secretary of State determines are valid as verified signatures.
- b. If the Secretary of State does not agree with the person who filed the appeal, notify that person and the County Clerk/Registrar that the petition remains insufficient.

If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, he may order the County Clerk/Registrar to re-verify the signatures. **The decision of the Secretary of State is a final decision for the purposes of judicial review.** The decision of the Secretary of State may be appealed, but only in the First Judicial District Court in Carson City, Nevada.  
(NRS 293.12793; 293.12795)



# INDEPENDENT CANDIDATE GUIDE

## COURT CHALLENGES

### Challenging the candidacy of an Independent Candidate.

Any person may challenge the candidacy of an independent candidate. All affidavits, documents and other related material in support of the challenge must be filed by 5 p.m. on **May 24, 2004**. (NRS 293.200(8))

### The challenge of candidacy must be filed with:

1. The First Judicial District Court in Carson City, Nevada, if the candidate's filing officer is the Secretary of State (NRS 293.200(9));  
**or**
2. The District Court within the candidate's county, if the candidate's filing officer is the County Clerk/Registrar.  
(NRS 293.200(9))

## DECLARATION OF CANDIDACY

An independent candidate for partisan office must file a **Declaration of Candidacy** and pay the statutory filing fee with the proper filing officer at any time from **Monday, May 3, 2004, through 5:00 p.m. Monday, May 14, 2004**. (NRS 293.200(10))

Filing officer means the Secretary of State, County or City Clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers. (NRS 293.057)

For United States Senator, Representatives in Congress, statewide offices, state senators and assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, the filing officer shall be the Secretary of State. (NRS 293.185(1))

For Representatives in Congress and district offices voted for wholly within one county, state senators and assemblymen to be elected from districts comprising but one or part of one county, county and township officers, the filing officer shall be the County Clerk. (NRS 293.185(2))

A list of County Clerks/Registrars & City Clerks, including their respective contact information, can be found in the Appendix.

# INDEPENDENT CANDIDATE GUIDE

## IMPORTANT DATES

<b>January 2, 2004</b>	First date to file a copy of the petition with the appropriate filing officer before circulating it for signatures. (NRS 293.200(1)(a))
<b>April 9, 2004</b>	Last date to file a copy of the petition with the appropriate filing officer before circulating it for signatures. (NRS 293.200(1)(a))
<b>April 9, 2004</b>	Last day for an independent candidate to submit petitions to the county clerk/registrar for signature verification. (NRS 293.200(2))
<b>May 3, 2004</b>	First day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer. (NRS 293.200(10))
<b>May 14, 2004</b>	Last day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer. (NRS 293.200(10))
<b>May 24, 2004</b>	Last day to file a challenge with the appropriate filing officer. All affidavits and documents in support of a challenge must be filed not later than 5 p.m. (NRS 293.200(8))
<b>May 25, 2004</b>	Last day a candidate may withdraw candidacy. (NRS 293.202)
<b>May 31, 2004</b>	Last day to set a hearing for judicial proceeding resulting from the challenge filed. (NRS 293.200(8))

## **APPENDIX:**

***List of City Clerks***

***List of County Clerks/Registrars***

***Sample Independent Candidate Petition***

***Pertinent Sections of the Nevada Revised Statutes***

***Pertinent Sections of the Nevada Administrative Code***

***Attorney General Opinion #99-37***

## BOULDER CITY

Vicki G. Mayes, City Clerk  
P.O. Box 61350  
Boulder City, Nevada 89006-1350  
(702) 293-9208 FAX 293-9245  
[vmayesbcnv@earthlink.net](mailto:vmayesbcnv@earthlink.net)  
[www.bouldercitynv.com](http://www.bouldercitynv.com)

## CITY OF CALIENTE

Patrice Lytle, City Clerk  
P.O. Box 1006  
Caliente, Nevada 89008-1006  
(775) 726-3131 FAX 726-3370  
[cityclerk@caliente.lincoln-nv.com](mailto:cityclerk@caliente.lincoln-nv.com)

## CITY OF CARLIN

Beth Brown, Acting City Clerk  
P.O. Box 787  
Carlin, Nevada 89822  
(775) 754-6354 FAX 754-6912  
[cityclerk@explorecarlinnv.com](mailto:cityclerk@explorecarlinnv.com)

## CITY OF ELKO

Lori Lynch, City Clerk  
1751 College Avenue  
Elko, Nevada 89801  
(775) 777-7126 FAX 777-7129  
[cityclerk@ci.elko.nv.us](mailto:cityclerk@ci.elko.nv.us)

## CITY OF ELY

Jim Alworth, City Clerk/Treasurer  
501 Mill Street  
Ely, Nevada 89301  
(775) 289-2430 FAX 289-1463  
[elyia@idsely.com](mailto:elyia@idsely.com)

## CITY OF FALLON

Gary Cordes, City Clerk  
55 West Williams Avenue  
Fallon, Nevada 89406  
(775) 423-5104 FAX 423-8874  
[gcc@ci.fallon.nv.us](mailto:gcc@ci.fallon.nv.us)

## CITY OF FERNLEY

Patricia Norman, City Clerk  
595 Silver Lace Blvd.  
Fernley, Nevada 89408  
(775) 575-5455 FAX 575-5296  
[pnorman@cityoffernley.org](mailto:pnorman@cityoffernley.org)

## CITY OF HENDERSON

Monica M. Simmons, City Clerk  
240 Water Street  
Henderson, Nevada 89015  
(702)-565-2057 FAX 267-1401  
[Monica.Simmons@cityofhenderson.com](mailto:Monica.Simmons@cityofhenderson.com)  
[www.ci.henderson.nv.us](http://www.ci.henderson.nv.us)

## CITY OF LAS VEGAS

Barbara Jo (Roni) Ronemus, City Clerk  
400 Stewart Avenue  
Las Vegas, Nevada 89101  
(702) 229-6311 FAX 382-4803  
[rromemus@ci.las-vegas.nv.us](mailto:rromemus@ci.las-vegas.nv.us)

## CITY OF LOVELOCK

Virginia Rose, City Clerk  
P.O. Box 238  
Lovelock, Nevada 89419  
(775) 273-2356 FAX 273-7979  
[vrose@cityoflovelock.com](mailto:vrose@cityoflovelock.com)

## CITY OF MESQUITE

Carol Woods, City Clerk  
10 E Mesquite Blvd  
Mesquite, Nevada 89027  
(702) 346-5295 FAX 346-2908  
[cwoods@ci.mesquite.nv.us](mailto:cwoods@ci.mesquite.nv.us)  
[www.mesquitenv.com](http://www.mesquitenv.com)

## CITY OF NORTH LAS VEGAS

Karen L. Storms, Acting City Clerk  
2200 Civic Center Drive  
North Las Vegas, Nevada 89030  
(702) 633-1031 FAX 649-3846  
[karens@ci.north-las-vegas.nv.us](mailto:karens@ci.north-las-vegas.nv.us)  
[www.ci.north-las-vegas.nv.us](http://www.ci.north-las-vegas.nv.us)

## CITY OF RENO

Lynnette Jones, City Clerk  
P.O. Box 1900  
Reno, Nevada 89505  
(775) 334-2030 FAX 334-2432  
[jonessl@ci.reno.nv.us](mailto:jonessl@ci.reno.nv.us)  
[www.ci.reno.nv.us](http://www.ci.reno.nv.us)

## CITY OF SPARKS

Deborine J. Dolan, City Clerk  
P.O. Box 857  
Sparks, Nevada 89432  
(775) 353-2350 FAX 353-2489  
[ddolan@ci.sparks.nv.us](mailto:ddolan@ci.sparks.nv.us)  
[www.ci.sparks.nv.us](http://www.ci.sparks.nv.us)

## CITY OF WELLS

Catherine S. Smith, City Clerk  
P.O. Box 366  
Wells, Nevada 89835  
(775) 752-3355 FAX 752-3419  
[wellscityhall@citlink.net](mailto:wellscityhall@citlink.net)  
[www.wellsnv.com](http://www.wellsnv.com)

## CITY OF WEST WENDOVER

Anna Bartlome, City Clerk  
801 Alpine P.O.Box 2825  
West Wendover, Nevada 89883  
(775) 664-3081 FAX 664-3720  
[abartlome@westwendovercity.com](mailto:abartlome@westwendovercity.com)  
[www.westwendovercity.com](http://www.westwendovercity.com)

## CITY OF WINNEMUCCA

Howard E. Hammond, City Clerk  
90 W. Fourth Street  
Winnemucca, Nevada 89445  
(775) 623-6338 FAX 623-6321  
[wmcaheh@winnemuccacity.org](mailto:wmcaheh@winnemuccacity.org)

## CITY OF YERINGTON

Colleen Castello, City Clerk  
102 South Main Street  
Yerington, Nevada 89447  
(775) 463-3511 FAX 463-2284  
[cityclerk@yerington.net](mailto:cityclerk@yerington.net)

# Local Election Officers County Clerks and Registrars of Voters

State of Nevada

## CARSON CITY

Alan Glover, County Clerk  
885 East Musser Street Suite 1025  
Carson City, Nevada 89701-4475  
(775)-887-2087 FAX-887-2146  
E-mail [elections@ci.carson-city.nv.us](mailto:elections@ci.carson-city.nv.us)

## CHURCHILL COUNTY

Gloria Venturacci, County Clerk  
155 N Taylor St, Suite 110  
Fallon, Nevada 89406-2748  
(775)-423-6028 FAX-423-7069  
E-mail [clerktreas-gv@churchillcounty.org](mailto:clerktreas-gv@churchillcounty.org)

## CLARK COUNTY

Larry Lomax, Registrar of Voters  
965 Trade Drive Suite A  
North Las Vegas, NV 89030-7802  
Elections Department  
P.O. Box 3909  
Las Vegas, Nevada 89127-3909  
(702)-455-VOTE (8683) FAX-455-2793  
E-mail [hll@co.clark.nv.us](mailto:hll@co.clark.nv.us)

## DOUGLAS COUNTY

Barbara Reed, County Clerk  
1594 Esmeralda Street  
P.O. Box 218  
Minden, Nevada 89423-0218  
(775) 782-9023 FAX-782-9016  
E-mail [breed@co.douglas.nv.us](mailto:breed@co.douglas.nv.us)

## ELKO COUNTY

Win Smith, County Clerk  
571 Idaho St. 3rd Floor  
Elko, Nevada 89801-3700  
(775) 753-4600 FAX-753-4610  
E-mail [wsmith@elkocountynv.net](mailto:wsmith@elkocountynv.net)

## ESMERALDA COUNTY

Lacinda "Cindy" Elgan, County Clerk  
Corner of Crook & Euclid  
P.O. Box 547  
Goldfield, Nevada 89013-0547  
(775) 485-6367 FAX-485-6376  
E-mail [celgan@citlink.net](mailto:celgan@citlink.net)

## EUREKA COUNTY

Frances Elaine Gale, County Clerk  
County Courthouse, Main Street  
P.O. Box 677  
Eureka, Nevada 89316-0677  
(775) 237-5262 FAX-237-6015  
E-mail [fgale\\_ecct@eurekanv.org](mailto:fgale_ecct@eurekanv.org)

## HUMBOLDT COUNTY

Tami Rae Spero, County Clerk  
50 W. 5th Street, #207  
Winnemucca, Nevada 89445-3199  
(775)-623-6343 FAX-623-6309  
E-mail [coclerkts@hcnv.us](mailto:coclerkts@hcnv.us)

## LANDER COUNTY

Gladys Burris, County Clerk  
315 So. Humboldt Street  
Battle Mountain, Nevada 89820-9998  
(775) 635-5738 FAX-635-5761  
E-mail [lcclerk@desertlinc.com](mailto:lcclerk@desertlinc.com)

## LINCOLN COUNTY

Corrine Hogan, County Clerk  
1 North Main Street  
P.O. Box 90  
Pioche, Nevada 89043-0090  
(775) 962-5390 FAX-962-5180  
E-mail [lcclerk32@hotmail.com](mailto:lcclerk32@hotmail.com)

## LYON COUNTY

Nikki A Bryan, County Clerk  
27 South Main Street  
Yerington, Nevada 89447-2571  
(775)-463-6501 FAX-463-5305  
E-mail [nbryan@lyon-county.org](mailto:nbryan@lyon-county.org)

## MINERAL COUNTY

Helene J. Weatherfield, County Clerk  
105 South "A" Street, Suite 1  
P.O. Box 1450  
Hawthorne, Nevada 89415-1450  
(775) 945-2446 FAX-945-0706  
E-mail [mineralcountyclerk@gbis.com](mailto:mineralcountyclerk@gbis.com)

## NYE COUNTY

Sandra L. "Sam" Merlino, County Clerk  
101 Radar Road  
P.O. Box 1031  
Tonopah, Nevada 89049-1031  
(775) 482-8127 FAX-482-8133  
E-mail [sam.merlino@co.nye.nv.us](mailto:sam.merlino@co.nye.nv.us)

## PERSHING COUNTY

Donna Giles, County Clerk  
398 Main Street  
P.O. Box 820  
Lovelock, Nevada 89419-0820  
(775) 273-2208 FAX-273-3015  
E-mail [dgiles@pershingcounty.net](mailto:dgiles@pershingcounty.net)

## STOREY COUNTY

Doreen Bacus, County Clerk  
County Courthouse, "B" Street  
Drawer "D"  
Virginia City, Nevada 89440-0139  
(775)-847-0969 FAX-847-0921  
E-mail [stclerk@reno.quik.com](mailto:stclerk@reno.quik.com)

## WASHOE COUNTY

Dan Burk, Registrar of Voters  
1001 E. Ninth Street  
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Reno, Nevada 89520-0027  
(775) 328-3670 FAX-328-3747  
E-mail [dburk@mail.co.washoe.nv.us](mailto:dburk@mail.co.washoe.nv.us)

## WHITE PINE COUNTY

Donna Bath, County Clerk  
801 Clark Street #4  
Ely, Nevada 89301-1994  
(775) 289-2341 FAX-289-2544  
E-mail [wpclerk@mwpower.net](mailto:wpclerk@mwpower.net)

*Independent Candidate Petition*

*State of Nevada*

Petition of Candidacy of \_\_\_\_\_

For the Office of \_\_\_\_\_

[Note: you may insert a statement of the principle, if any, which the person represents.]

County of \_\_\_\_\_ }

(Only registered voters of this County may sign below.)

This space for office use only			
1	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
2	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
3	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
4	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
5	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
6	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
7	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	

# ***Independent Candidate Petition***

***State of Nevada***

***Petition of Candidacy of*** \_\_\_\_\_

***For the Office of*** \_\_\_\_\_

**This space for  
office use only**

<b>8</b>	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____ / /	CITY: _____ COUNTY: _____	
<b>9</b>	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____ / /	CITY: _____ COUNTY: _____	
<b>10</b>	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____ / /	CITY: _____ COUNTY: _____	

[Place affidavit on last page of document]

## **AFFIDAVIT OF CIRCULATOR**

(To be completed by the person who circulated the petition after all signatures have been obtained)

STATE OF NEVADA                    )  
  )  
COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at \_\_\_\_\_  
(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each individual who signed was at the time of signing a registered voter in the county of his or her residence.

Subscribed and sworn to or affirmed before me this \_\_\_\_\_

\_\_\_\_\_  
Signature of Circulator

day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public or person authorized to administer an oath

## NEVADA REVISED STATUTES (NRS)

**NRS 293.042 “Contest” defined.** “Contest” means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the appropriate political subdivision, for the purpose of determining the validity of an election. (Added to NRS by 1975, 935)

**NRS 293.044 “County clerk” defined; synonymous with “registrar of voters” in certain counties.** Except as the term is used in [NRS 293.393](#), whenever the term “county clerk” is used in this Title it means “registrar of voters” in those counties where such office has been created pursuant to the provisions of [NRS 244.164](#). (Added to NRS by 1965, 670; A 1983, 925)—(Substituted in revision for NRS 293.092)

**NRS 293.046 “Deputy clerk” defined.** “Deputy clerk” means a deputy clerk for early voting who is appointed pursuant to [NRS 293.358](#) to serve as the election officer in charge of the polling place for early voting. (Added to NRS by 1993, 2167)

**NRS 293.050 “Election board officer” defined.** “Election board officer” means a person appointed to assist in the conduct of an election. (Added to NRS by 1960, 236)

**NRS 293.053 “Election board register” defined.** “Election board register” means the record of registered voters provided to election boards. (Added to NRS by 1960, 236; A 1995, 2257)

**NRS 293.055 “Elector” defined.** “Elector” means a person who is eligible to vote under the provisions of section 1 of article 2 of the constitution of the State of Nevada. (Added to NRS by 1960, 236)

**NRS 293.057 “Filing officer” defined.** “Filing officer” means the secretary of state, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers. (Added to NRS by 1960, 236; A 1987, 334)

**NRS 293.059 “General city election” defined.** “General city election” means an election held pursuant to [NRS 293C.115](#), [293C.140](#) or [293C.145](#). The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city. (Added to NRS by 1987, 334; A 1997, 3447; 2003, 674)

**NRS 293.060 “General election” defined.** “General election” means the election held pursuant to [NRS 293.12755](#). (Added to NRS by 1960, 236; A 1987, 334)

**NRS 293.063 “Independent candidate” defined.** “Independent candidate” means a candidate who has been nominated for a partisan office but who is registered with no political party affiliation pursuant to the provisions of this Title. (Added to NRS by 1960, 236; A 1961, 284; 1963, 1386; 1967, 844)

**NRS 293.12756 Informational pamphlet concerning petitions; fee.**

1. The secretary of state shall prepare an informational pamphlet describing the requirements for filing and circulating petitions. The pamphlet must also contain a sample of a petition to demonstrate an acceptable format for a petition.

2. The pamphlets must be made available to the public and must be distributed to any person who requests a pamphlet upon payment of the applicable fee, if any. The secretary of state may impose a fee for the pamphlet in an amount not to exceed the cost to produce the pamphlet.

(Added to NRS by 1993, 2664)

**NRS 293.127565 Use of public buildings to gather signatures on petitions; regulations.**



1. At each building that is open to the general public and occupied by the government of this state or a political subdivision of this state or an agency thereof, other than a building of a public elementary or secondary school, an area must be made available for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall designate and approve the area required by this subsection for the building.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. A person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee designated a reasonable area as required by subsection 1.

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may only be appealed in the first judicial district court.

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

(Added to NRS by 2001, [1347](#))

**NRS 293.12757 Qualification to sign petition.** A person may sign a petition required under the election laws of this state on or after the date he is deemed to be registered to vote pursuant to subsection 5 of [NRS 293.517](#) or subsection 5 of [NRS 293.5235](#). (Added to NRS by 1999, 3546)

**NRS 293.12758 Receipt issued by county clerk; requirements for petition.**

1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures or a petition, declaration of or acceptance of candidacy. The receipt must state:

- (a) The number of documents submitted;
- (b) The number of pages of each document; and
- (c) The number of signatures which the person declares are on the petition.

2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.

3. The county clerk shall not accept a petition unless each page of the petition is numbered.

4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.

5. As used in this section, "document" includes material which is separately compiled and bound together and may consist of one or more sheets of paper.

(Added to NRS by 1993, 2664)

**NRS 293.1276 County clerk to forward number of signatures to secretary of state; notice of failure to file required number of signatures; handling of petition.**

1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to [NRS 293.128](#), [293.165](#), [293.172](#), [293.200](#), [295.056](#), [298.109](#), [306.035](#) or [306.110](#), the county clerk shall determine the total number of signatures affixed to the documents and forward that information to the secretary of state.

2. If the secretary of state finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, he shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the secretary of state.

(Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1997, 750; 1999, 2147)

### **NRS 293.1277 Verification of signatures by county clerks.**

1. If the secretary of state finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office.

5. A person who submits a petition to the county clerk which is required to be verified pursuant to [NRS 293.128](#), [293.165](#), [293.172](#), [293.200](#), [295.056](#), [298.109](#), [306.035](#) or [306.110](#) must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of [NRS 293.165](#), [293.200](#), [306.035](#) or [306.110](#) for any county, district or municipal office within one county, the county clerk shall not transmit to the secretary of state the documents containing the signatures of the registered voters.

7. The secretary of state may by regulation establish further procedures for carrying out the provisions of this section. (Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1995, 2257; 1997, 750; 1999, 2147)

### **NRS 293.1278 Qualification or disqualification of petition upon receipt of certificates by secretary of state.**

1. If the certificates received by the secretary of state from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the secretary of state shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the petitioners have more than 100 percent of the number of registered voters needed to make the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of certificates showing the petition to have reached 100 percent, and the secretary of state shall immediately so notify the petitioners and the county clerks.

(Added to NRS by 1985, 1091; A 1993, 2666)

### **NRS 293.1279 Qualification or disqualification of petition upon verification of signatures.**

1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to [NRS 295.055](#) or [306.015](#), the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100

percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to [NRS 295.055](#) or [306.015](#), the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to [NRS 295.055](#) or [306.015](#).

2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to [NRS 295.055](#) or [306.015](#), the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to [NRS 295.055](#) or [306.015](#), the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to [NRS 295.055](#) or [306.015](#).

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of [NRS 293.165](#), [293.200](#), [306.035](#) or [306.110](#) for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed. (Added to NRS by 1985, 1091; A 1985, 551; 1987, 1362; 1993, 2666; 1997, 751; 1999, [2148](#); 2001, [642](#); 2003, [2174](#))

### **NRS 293.12793 Appeal with secretary of state contesting verification of votes; notification of public officer who is subject of petition to recall; consideration and investigation of allegations.**

1. If the secretary of state determines that the total number of signatures that the county clerks have certified pursuant to [NRS 293.1277](#) or [293.1279](#) is less than 100 percent of the number of registered voters needed to make the petition sufficient, the person who submitted the petition may contest the verification of the signatures by filing an appeal with the secretary of state. The appeal must:

(a) Be filed within 5 working days after receipt of notification of the determination of the secretary of state;

(b) Include each reason for the appeal; and

(c) Include a statement of the number of signatures, if any, that the county clerk determined were invalid.

2. The secretary of state shall:

- (a) If the petition was circulated pursuant to [chapter 306 of NRS](#), immediately notify the public officer who is the subject of the petition of the appeal by the person who submitted the petition; and
  - (b) Consider the allegations and conduct an investigation, if necessary.
- (Added to NRS by 1993, 2664; A 1997, 752; 1999, 3546)

**NRS 293.12795 Action by secretary of state upon review of appeal; judicial review of decision of secretary of state.**

1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to [NRS 293.1277](#) or [293.1279](#), the secretary of state shall:
    - (a) If he finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the secretary of state determines are valid.
    - (b) If he does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.
  2. If the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him, the secretary of state may order the county clerk to reverify the signatures.
  3. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.
- (Added to NRS by 1993, 2664)

**NRS 293.185 Offices for filing declarations, certificates and acceptances of candidacies.** The declaration of candidacy, the certificate of candidacy and the acceptance of candidacy must be filed during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators and Assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.
  2. For Representative in Congress and district offices voted for wholly within one county, State Senators and Assemblymen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.
- (Added to NRS by 1960, 244; A 1965 Special Session, 4; 1983, 1287; 1987, 1367)

**NRS 293.200 Independent candidates: Qualification; petition of candidacy; time limit for challenge; declaration of candidacy.**

1. An independent candidate for partisan office must file with the appropriate filing officer:
  - (a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.
  - (b) Either of the following:
    - (1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:
      - (I) This state for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;
      - (II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or
      - (III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.
    - (2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.
2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question



may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in [NRS 293.1276](#) to [293.1279](#), inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where he is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.
4. Petitions of candidacy must be filed not earlier than the first Monday in May preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in May.
5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.
6. A person may not file as an independent candidate if he is proposing to run as the candidate of a political party.
7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.
8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in May. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in May.
9. Any challenge pursuant to subsection 8 must be filed with:
  - (a) The first judicial district court if the petition of candidacy was filed with the Secretary of State.
  - (b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.
10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by [NRS 293.193](#) not earlier than the first Monday in May of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in May. (Added to NRS by 1960, 245; A 1961, 286; 1963, 1387; 1971, 440, 1122; 1975, 936; 1979, 403; 1983, 1118; 1987, 1367; 1989, 2164; 1993, 2668; 1997, 316; 1999, [1392](#), [2154](#), [3551](#); 2001, [149](#), [154](#); 2003, [1645](#), [1704](#))

### **NRS 298.109 Nomination of independent candidates for President and Vice President; designation of candidate's nominees for presidential electors; challenge to candidacy.**

1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be held, pay a filing fee of \$250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which he must also designate his nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for the offices of Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. The candidate shall file a copy of the petition he intends to circulate for signatures with the Secretary of State.

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in [NRS 293.1276](#) to [293.1279](#), inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State pursuant to subsection 1. Each person signing shall add to his signature the address of the place at which he resides, the date that he signs and the name of the county wherein he is registered to vote. Each document of the petition must also contain the affidavit of the person who circulated the document that all signatures thereon are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. Each independent candidate so nominated for the office of President shall at the time of filing his petition as provided in subsection 1, or within 10 days thereafter, file with the Secretary of State his written

designation of the names of the number of presidential electors then authorized by law, whom the independent candidate desires to act as his electors, all of whom must then be registered voters. Immediately following receipt of each candidate's written designation of his nominees for electors, the Secretary of State shall record them in his office as the nominees for presidential electors of that independent candidate.

4. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the First Judicial District Court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August.

5. The county clerk shall not disqualify the signature of a voter who fails to provide all the information required by this section if the voter is registered in the county named on the document.

(Added to NRS by 1979, 404; A 1983, 1289; 1985, 270; 1987, 1375; 1989, 2173; 1993, 2670; 1999, [3561](#))

**NRS 304.010 Nomination and election.** At the primary and general election next preceding the expiration of the time for which any United States Senator was elected or appointed to represent the State of Nevada in the United States Senate, candidates for United States Senator may be nominated and elected in the same manner as provided by law for the nomination and election of state officers.

(Added to NRS by 1960, 281)

## NEVADA ADMINISTRATIVE CODE (NAC)

**NAC 293.182 Requirements for individual documents of certain petitions.** ([NRS 293.124](#), [293.247](#))

1. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

- (1) The name of each person signing the petition;
- (2) The signature of the person;
- (3) The residential address of the person;
- (4) The name of the county where the person is a registered voter; and
- (5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at \_\_\_\_\_ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the county of his residence.

\_\_\_\_\_  
Signature of circulator

Subscribed and sworn to or affirmed  
before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

---

Notary public or other person licensed  
to administer an oath

2. Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be permanently attached in numerical order; and
- (c) The affidavit required by paragraph (b) of subsection 1 must appear on the last sheet of the document.

3. As used in this section, "petition" means a petition containing signatures which are required to be verified pursuant to [NRS 293.128](#), [293.165](#), [293.172](#), [293.200](#), [298.109](#), [306.035](#) or [306.110](#).

(Added to NAC by Sec'y of State, eff. 3-15-96; A by R013-00, 4-4-2000)

**NAC 293.183 Verification of signatures on certain petitions: Limitation of witnesses.** A county clerk who conducts the verification of signatures on a petition in the manner prescribed in [NRS 293.1276](#) to [293.1279](#), inclusive, may:

1. In addition to those persons who are authorized to witness the verification of signatures on a petition pursuant to [NRS 293.1277](#), limit the number of persons who may witness the verification of signatures to not more than two persons who support the petition and two persons who oppose the petition.

2. Prohibit any person who is authorized to witness the verification of signatures from interfering with the verification of signatures.

3. Remove and replace any person who interferes with the verification of signatures.



**FILED**  
IN THE OFFICE OF THE  
SECRETARY OF STATE OF THE  
STATE OF NEVADA

DEC 01 1999

STATE OF NEVADA  
**OFFICE OF THE ATTORNEY GENERAL**

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FRANKIE SUE DEL PAPA  
Attorney General

THOMAS M. PATTON  
First Assistant Attorney General

December 1, 1999

OPINION NO. 99-37

CONSTITUTIONAL LAW; ELECTIONS;  
INITIATIVE; RECALL PETITIONS;  
REFERENDUM: Nevada provisions requiring  
petition circulators to be registered voters  
violate the U.S. Constitution and should be  
amended. Nevada is prohibited from requiring  
petition groups from listing the name, address,  
and amount paid to each petition circulator.  
Reporting the amount paid per petition  
signature or the total amount paid to petition  
circulators is permissible.

Pamela Crowell  
Deputy Secretary of State for Elections  
Office of the Secretary of State  
101 North Carson Street, Suite 3  
Carson City, Nevada 89701-4786

Dear Ms. Crowell:

You have requested an opinion from this office regarding the impact of a recent United States Supreme Court case on the signature gathering process for petitions in this state.

QUESTION ONE

Does the United States Supreme Court decision, *Buckley v. American Constitutional Law Foundation (ACLF)*, 525 U.S. 182 (1999) impact the provision governing the initiative petition process as mandated by the Nevada Constitution and Nevada election law?



## ANALYSIS

The Nevada Constitution, as well as certain provisions of the Nevada Revised Statutes dealing with election law, has traditionally been interpreted to require the circulator of an initiative petition be a registered voter.<sup>1</sup> However, the United States Supreme Court recently held in *Buckley v. ACLF*, that a similar Colorado law violated the First Amendment of the United States Constitution and was therefore unconstitutional.

In *Buckley v. ACLF* the Court reviewed three conditions placed on the ballot initiative process by Colorado statutes: "(1) the requirement that initiative-petition circulators be registered voters, . . . ; (2) the requirement that they wear an identification badge bearing the circulator's name, . . . ; and (3) the requirement that proponents of an initiative report the names and addresses of all paid circulators and the amount paid to each circulator, . . ." *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct. at 639. The Court affirmed the judgment of the U.S. Court of Appeal that struck down these three requirements for "trenching unnecessarily and improperly on political expression." *Buckley v. ACLF*, 525 U.S. at \_\_\_, \_\_\_, 119 S. Ct. at 649, 642.<sup>2</sup>

A background inquiry into the treatment of election regulations<sup>3</sup> shows that the Supreme Court has recognized the state's interest in preserving the integrity of the electoral process, upholding "generally-applicable and evenhanded restrictions." *Anderson v. Celebrezze*, 460 U.S. 780, 788 n. 9 (1983). While not advocating unregulated access to the ballot, the Supreme Court has struck down regulations which were deemed to place too great a burden on the individual's free exercise of speech. See *Meyer v. Grant*, 486 U.S. 414 (1988) (striking down a law which prohibited payment to petition circulators) (Nevada has no such law); *McIntyre v. Ohio Elections Com'n*, 514 U.S. 334 (1995) (invalidating law which prohibited anonymous election-related hand billing).

The Supreme Court's recent decision in *Buckley v. ACLF* guides our review on the issue before us. In that case, the Supreme Court determined that petition circulation is core political speech and found that a restriction that required petition circulators to be registered voters violated the First Amendment because it "significantly inhibits communication with voters about proposed political change, and [is] not warranted by the state interests (administrative efficiency,

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<sup>1</sup> Nev. Const. art. 19, § 3; NRS 295.055(2).

<sup>2</sup> The holding in *Buckley v. ACLF* was based on First Amendment principles. However, the U.S. Court of Appeals recognized that "when a statute allows some people to speak but not others, the principles of equal protection and free speech are intertwined." *ACLF v. Meyer*, 120 F.3d 1092, 1100 (10th Cir. 1997).

<sup>3</sup> For purposes of this opinion, "election regulations" include the state constitution, state statutes, and state administrative regulations.

fraud detection, informing voters) alleged to justify those restrictions.” *Id.* at 642. Agreeing with *Meyer*, the Court stated, “Petition circulation . . . is ‘core political speech,’ because it involves ‘interactive communication concerning political change.’” *Id.* at 639.

One of the Colorado statutes at issue in *Buckley v. ACLF* provided: “No section of a petition for any initiative or referendum measure shall be circulated by any person who is not a registered elector and at least eighteen years of age at the time the section is circulated.” Colo. Rev. Stat. § 1-40-112(1)(1998). Although Nevada law does not contain such explicit language, it has traditionally been interpreted to require petition circulators to be registered voters. For example, that part of the state constitution governing initiative petitions provides:

Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence . . . .

Nev. Const. art. 19, § 3.

Through a somewhat circuitous route, this provision has traditionally been interpreted as requiring petition circulators be registered voters. Each petition must be circulated by an individual designated to collect signatures. Each signer of the petition must be a registered voter. Accompanying each petition must be an affidavit, made by a signer of the petition (i.e., the circulator) attesting that all of the signatures are genuine and that each signer was a registered voter.

The petition circulator is the individual responsible for gathering signatures, explaining the purpose of the petition, and obtaining the signatures of those qualified to sign the document. Despite its seemingly elusive nature, once analyzed, the traditional interpretation of this section of the constitution has been to require that petition circulators be registered voters. The signer of the affidavit can be the petition circulator because the petition circulator is in the best position to attest to the statements in the affidavit. The signer of the affidavit must also sign the petition and only registered voters may sign the petition. Therefore, the petition circulator was required to be a registered voter. Further, there is a provision in Nevada statutes that also requires signers of an

initiative petition, like the circulator, to be a registered voter.<sup>4</sup> In light of the Supreme Court's decision in *Buckley v. ACLF*, Nevada's requirement that petition circulators be registered voters would be similarly treated and thereby deemed invalid.

To evaluate the constitutionality of laws regulating the electoral process, we look to the framework established by the Supreme Court in *Timmons*:

When deciding whether a state election law violates First and Fourteenth Amendment associational rights, we weigh the "character and magnitude" of the burden the State's rule imposes on those rights against the interests the State contends justify that burden, and consider the extent to which the State's concerns make the burden necessary. Regulations imposing severe burdens on plaintiffs' rights must be narrowly tailored and advance a compelling state interest. Lesser burdens, however, trigger less exacting review, and a State's "important regulatory interests" will usually be enough to justify "reasonable, nondiscriminatory restrictions."

*Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997) (citations omitted) (prohibiting individual from appearing on ballot as candidate of more than one party).

The states clearly have a substantial interest in preserving fairness, order, and integrity in the election process through enacting reasonable regulations. However, regulations that implicate the First Amendment protections are subject to strict scrutiny, i.e. these regulations must be narrowly tailored and advance a compelling state interest that justifies imposing severe burdens on one's First Amendment rights. The Supreme Court has found that the regulation at issue in *Buckley v. ACLF* places a substantial burden on the individual's freedom of expression without sufficient justification from the state. In a similar analysis in *Meyer*, the Supreme Court applied strict scrutiny to strike down another Colorado law that made it a felony to compensate petition circulators. *Meyer v. Grant*, 486 U.S. at 423.

In *Meyer*, the Court reasoned that such a ban on compensation burdened political expression because it reduced the number of potential speakers and limited the size of the audience that could be reached, thereby reducing the quantity of expression. *Id.* at 422-423. The state could not sufficiently justify its interest in placing such a burden on an individual. *Id.* at 425.

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<sup>4</sup> "Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document." NRS 295.055(2).

Additionally, "statutes that limit the power of the people to initiate legislation are to be closely scrutinized and narrowly construed." *Meyer v. Grant*, 486 U.S. at 423. The voter registration requirement at issue excludes a certain group of people from participating in the political process. *Buckley v. ACLF* provides clear precedent that such a restriction limits political expression and has a discriminatory effect by excluding a group of persons from participating in core political speech. See *Meyer v. Grant*, 486 U.S. at 421-422. The Supreme Court has held that the voter registration requirement is not narrowly tailored to advance the state's interests nor are the state's interests substantial enough to justify such a burden on the individual's freedom of expression. *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S.Ct. at 644. Nevada can preserve the integrity of the signature gathering process on an initiative petition through less restrictive means, such as requiring that all petition circulators be 18 years of age and be residents of the state, and so attest in the affidavit. *Id.* at 644-645 n.10.

Although the voter registration provision at issue before us is contained in the state constitution, it is still subject to strict scrutiny. Colorado's voter registration requirement for petition circulators was adopted by constitutional amendment as a result of a referendum approved by the people. *ACLF v. Meyer*, 870 F.Supp. 995, 1002 (D. Colo. 1994). The district court found that such a restriction "limits the number of persons available to circulate . . . and, accordingly, restricts core political speech." *Id.* However, the court erroneously upheld the law, exempting it from any level of scrutiny because it had been adopted as a constitutional amendment. *Id.* The U.S. Court of Appeals properly reversed the district court and struck down the voter registration requirement finding "it unconstitutionally impinges on free expression." *ACLF v. Meyer*, 120 F.3d at 1100. State laws are not to escape scrutiny simply because they are cloaked within the protection of the state constitution. *Id.* ("the voters may no more violate the United States Constitution by enacting a ballot issue than the general assembly may by enacting legislation").

In sum, the *Buckley v. ACLF* decision requires us to conclude that a state law that limits petition circulation to registered voters imposes a burden on political expression in violation of the First and Fourteenth Amendments. The restriction burdens expression by not only limiting the number of people available to circulate a petition and reducing the size of the audience, but by taking away an individual's right to choose not to register, yet remain politically active. *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct at 644 (reasoning that the choice not to register to vote implicates political thought and expression).

The State of Nevada cannot assert any greater interest in requiring its petition circulators to be registered voters than those asserted by Colorado. Therefore, the holding of the Supreme Court applies with equal force to the provisions governing the initiative petition process as mandated by the Nevada Constitution as well as Nevada election law. Guided by *Buckley v.*



*ACLR*, Nevada law cannot require petition circulators to be registered voters, and any provisions of the state constitution or election law must comply with this mandate.

### CONCLUSION TO QUESTION ONE

The United States Supreme Court decision, *Buckley v. ACLF*, applies to the Nevada provisions requiring initiative petition circulators to be registered voters, and based upon this decision these provisions violate the First and Fourteenth Amendments of the U.S. Constitution and are therefore unenforceable or invalid.

### QUESTION TWO

Provided the *Buckley v. ACLF* decision does impact Nevada's initiative petition process, what is the impact on the process for other petitions?

### ANALYSIS

*Buckley v. ACLF* guides our review in determining whether the voter registration requirement for petition circulators is invalid as applied to other petitions in Nevada. It is our opinion that the voter registration requirement for petition circulators is an invalid restriction for all ballot-access petitions in Nevada.<sup>5</sup>

Analyzing these petitions under the canopy of *Buckley v. ACLF*, it is clear that the voter registration requirement for petition circulators at issue is invalid because of the burden it places on political expression, not because of the type of petition involved. It is the act of circulating the petition which the Supreme Court has deemed important enough to invoke the protection of the First and Fourteenth Amendments. Petition circulation has been found to be core political speech because it involves "both the expression of a desire for political change and a discussion of the merits of the proposed change." *Meyer v. Grant*, 486 U.S. at 421. Petition circulation implicates these compelling interests without regard to the type of petition being circulated. See *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct. at 651, J. Thomas, concurring in the judgment, ("the aim of a petition is to secure political change, and the First Amendment, by way of the Fourteenth Amendment, guards against the State's efforts to restrict free discussions about matters of public concern").

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<sup>5</sup> This analysis applies to all petitions in Nevada, for example, referendum (Nev. Const. art. 19, § 3, NRS 295.055), major political party (NRS 293.128), minor political party or minor political party candidate (NRS 293.172), independent candidate (NRS 293.200), county initiative or referendum (NRS 295.095(6) and 295.150), municipal initiative and referendum (NRS 295.205), Presidential independent candidate (NRS 298.109), recall (Nev. Const. art. 2, § 9, NRS 306.030), and recall nomination (NRS 306.110).

Each of these petitions require that an affidavit be attached, signed by the circulator of the petition declaring that the signatures are genuine and that the petition is signed only by registered voters. The voter registration requirement for petition circulators is present for each ballot-access petition in Nevada. This requirement is unconstitutional as to all petitions, as evaluated under the *Buckley v. ACLF* standard. It is the classification of the speech involved that demands constitutional protection. Because petition circulation involves interactive communication about political change, it is "core political speech" and First Amendment protection is "at its zenith." *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct. at 639-40 (citing *Meyer*, 486 U.S. at 422-25).

### CONCLUSION TO QUESTION TWO

The voter registration requirement for petition circulators is invalid as applied to any ballot access petition in Nevada, applying the *Buckley v. ACLF* standard.

### QUESTION THREE

If there is an impact on Nevada's petition processes, what will be necessary to achieve compliance?

### ANALYSIS

In order to be compliant with the holding in *Buckley v. ACLF*, the provisions of the Nevada election law that require the petition circulator to be a registered voter can be amended by the Legislature in the next session to reflect the Supreme Court's decision. This office hereby offers to work with you to draft proposed legislation to be submitted to the Legislature. The provision governing initiative and referendum in the Nevada Constitution poses a larger problem and should also be addressed by the Legislature in the next session. Those provisions in the Nevada Administrative Code that need to be changed can and should be accomplished shortly, without waiting for the legislature to meet.

Examining each of the petitions mentioned in this opinion, we make the following recommendations.

- Initiative Petitions – The relevant provisions governing initiative petitions are article 19, section 3(1) of the Nevada Constitution, NRS 295.055, and NAC 295.020(2). These provisions must be read so as not to conflict with the United States Constitution and therefore may no longer be interpreted as requiring the petition circulator to be a registered voter. At the very least NAC 295.020(2) should be amended to reflect this fact.

- Referendum Petitions – Referendum petitions are governed by the same provisions as initiative petitions and we make the same recommendation.
- Independent Candidate for President – The relevant provisions for this petition are NRS 298.109(2) and NAC 293.182(1)(b). The statute can be interpreted to be consistent with *Buckley v. ACLF*, and the regulation needs to be amended to also be consistent.
- Major Party – The relevant provisions for this petition are NRS 293.128(2) and NAC 293.182(1)(b). The statute must be amended, but the regulation is fine.
- Minor Party – The relevant provisions are NRS 293.172(1)(b) and NAC 293.182(1)(b). The statute is fine, but the regulation must be amended.
- Independent Candidate – NRS 293.200(2) and NAC 293.182(1)(b) are the relevant provisions for this petition. NRS 293.200(2) was amended by the 1999 Legislature to bring it into compliance with *Buckley v. ACLF*. Act of June 11, 1999, ch. 637, § 13, 1999 Nev. Stat. 3552. The regulation must be amended.
- County Initiative and Referendum – The relevant provisions for these petitions are NRS 295.095(6), NRS 295.150, and NAC 295.020(3)(c). NRS 295.095(6) and NAC 295.020(3)(c) are fine, but NRS 295.150 needs to be amended.
- Municipal Initiative and Referendum – The relevant provisions are NRS 295.205(6) and NAC 295.020(3)(c). These provisions are fine.
- Recall – Recall petitions are governed by article 2, section 9 of the Nevada Constitution and NRS 306.030(2). Both of these provisions can be interpreted to be consistent with *Buckley v. ACLF*.
- Recall Nomination – This petition is governed by NRS 306.110 and is fine.

You may want to suggest to the Legislature that a provision be added to Title 24 of NRS clarifying that no petition circulator must be a registered voter. Another policy decision for the Legislature is whether the affidavit should be signed by the circulator or a signer of the petition if the circulator is not a registered voter. If the circulator is to sign the affidavit, then article 19, section 3 of the Nevada Constitution would need to be amended. Also, *Buckley v. ACLF* upheld additional terms found in the Colorado affidavit that are not found in the Nevada affidavit. The Legislature may choose to add some or all of these terms to the Nevada affidavit.

Other states also have faced this issue. In Arizona the Attorney General issued an opinion concluding, as we have, that *Buckley v. ACLF* applies to all petitions in Arizona and recommending that the Secretary of State continue to use the affidavit language mandated by Arizona law on petition forms until (and unless) the statute is revised. Op. Az. Att'y Gen. No. I99-010, R99-011 (April 13, 1999).

Nebraska has also addressed this issue. A "Nebraska statutory law which prohibit[ed] and criminalize[d] the circulation of initiative petitions by persons who [were] not . . . registered to vote for one month prior to the circulation of the petitions" was challenged in federal court. *Bernbeck v. Moore*, 126 F.3d 1114, (8th Cir. 1997). "The district court concluded that the statutory provisions restrict appellees' core political speech and, because they are not narrowly tailored to serve the State's compelling interests, violate appellees' First Amendment rights." *Id.* The U.S. Court of Appeals affirmed. *Id.* at 1115.

### CONCLUSION TO QUESTION THREE

Those provisions in the Nevada Constitution and in Nevada election law that require the petition circulator to be a registered voter should be amended to bring Nevada into compliance with *Buckley v. ACLF*.

### QUESTION FOUR

Does this U.S. Supreme Court decision impact the statutory and regulatory provisions governing the reporting of contributions and expenses by ballot advocacy groups or recall committees?

### ANALYSIS

In addition to the voter registration for petition circulator requirement discussed above, the *Buckley v. ACLF* decision also addressed certain disclosure requirements in Colorado's law. *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct. at 646-49. The U.S. Court of Appeals struck down that portion of the Colorado law that compelled disclosure of the names and addresses of all paid circulators and the amount paid to each. While affirming the Court of Appeal's decision, the Supreme Court upheld the record keeping, recording, and disclosure provisions of the Federal Election Campaign Act of 1971, 2 U.S.C. § 421 et seq. (1970 ed., Supp. IV), but reasoned that "exacting scrutiny is necessary when compelled disclosure of campaign-related payments is at issue." *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S.Ct. at 647. This is not to say that exacting scrutiny will defeat any and all disclosure requirements. The Supreme Court held that the state's interest in the disclosure of names of initiative sponsors and the total amount of money expended to collect signatures for their petitions was substantial and upheld that portion of the disclosure



requirement. *Id.* It was the compelled disclosure of the names, addresses, and specific amount paid to each circulator that was struck down.

Nevada's campaign disclosure laws require that ballot advocacy groups and committees for the recall of a public officer must file an expenditure report that lists the name, address, and amount of the expenditure. NAC 294A.075(1). This expenditure report contains the very disclosure requirements that were struck down in *Buckley v. ACLF*. Compelled disclosure of the name, address, and amount paid, specific to each petition circulator, is likely to fall within the purview of *Buckley v. ACLF* and be deemed invalid. *Buckley v. ACLF*, 525 U.S. at \_\_\_, 119 S. Ct. at 646.

Requiring disclosure of the total amount paid to the circulators as a group entity or the amount paid per petition signature, rather than the amount paid to each individual and disclosure of personal information specific to each circulator are requirements likely to be upheld under *Buckley v. ACLF*. *Id.* at 647. Such a change would entail amending NAC 294A.075(1) by the Secretary of State's office.

#### CONCLUSION TO QUESTION FOUR

*Buckley v. ACLF* prohibits Nevada from requiring ballot advocacy groups or committees for the recall of a public officer from listing the name, address, and amount paid to each circulator of a petition. However, *Buckley v. ACLF* does permit an expenditure report to reveal the amount paid per petition signature or the total amount paid to petition circulators. Nevada's laws should be amended accordingly.

Sincerely,

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